

**SUPREME COURT MINUTES  
WEDNESDAY, MARCH 17, 2004  
SAN FRANCISCO, CALIFORNIA**

**S121532**

B167044 Second Appellate District,  
Division Seven

JEVNE v. S.C. (JB OXFORD HOLDINGS)  
Petition for review granted

George, C.J., and Baxter, J., were recused and  
did not participate.

Votes: Werdegar, A.C.J., Kennard, Chin,  
Brown, and Moreno, JJ.

**S113282**

HEGLER (JAMES EDWARD) ON H.C.  
OSC issued, returnable in Superior Court

The Director of the Department of Corrections is  
ordered to show cause before the Los Angeles  
County Superior Court, when the matter is  
ordered on calendar, why the relief prayed for  
should not be granted. The return shall be filed  
on or before April 16, 2004.” (Pen. Code,  
§ 1473, subd. (b)(1); *In re Sassounian* (1995) 9  
Cal.4th 535, 546.)

Votes: George, C.J., Kennard, Werdegar, Chin,  
and Brown, JJ.

**S121831**

D040430 Fourth Appellate District,  
Division One

PEOPLE v. NISSEN  
Transferred to CA 4/1 after grant of review

At the request of the Court of Appeal, review is  
GRANTED on the court’s own motion, and the  
cause is transferred to the Court of Appeal,  
Fourth Appellate District, Division One, with  
directions to vacate its opinion in order to permit  
the Court of Appeal to reconsider the cause in  
light of *Crawford v. Washington* (Mar. 8, 2004,  
No. 02-9410) 541 U.S. \_\_\_\_ [2004 WL 413301].  
(Cal Rules of Court, rules 28.2(c)(2), 29.3(d).)  
The petition for review is dismissed as moot.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown, and Moreno, JJ.

**S121543**

H023716 Sixth Appellate District

VANT ROOD v. COUNTY OF SANTA CLARA

Petition ordered withdrawn

pursuant to written request of petitioner.

The request for an order directing depublication of the opinion is denied.

**S087643**

BOX (CHRISTOPHER C.) ON H.C.

Petition for writ of habeas corpus denied (AA)

Petitioner's requests for discovery are denied.

The petition for writ of habeas corpus is denied.

Each claim is denied on the merits.

The following claims are each procedurally barred, separately and independently, as repeating a claim raised and rejected on appeal (see *In re Harris* (1993) 5 Cal.4th 813, 824-829; *In re Waltreus* (1965) 62 Cal.2d 218, 225): Claim IV (to the extent petitioner contends that, in violation of *Edwards v. Arizona* (1981) 451 U.S. 477, the police continued to interrogate him after he requested an attorney), Claim VII (to the extent petitioner contends that the trial court should have granted severance based on facts that were known to it at the time of trial), Claim VIII, Claim IX (to the extent it is based on conferences and/or sidebars that were identified on appeal), Claim XI (to the extent petitioner contends that the trial court improperly restricted cross-examination of Dr. Zigelbaum), Claim XIII (to the extent petitioner contends that his jury was unconstitutionally composed as a result of the alleged errors in jury selection identified in Arguments I, II, III and XXVIII of the Appellant's Opening Brief), and Claim XV (to the extent it is based on "overheard juror comments").

Each of the following claims is procedurally barred, separately and independently, because it could have been, but was not, raised on appeal (see *In re Harris, supra*, 5 Cal.4th at p. 825, fn. 3; *In re Dixon* (1953) 41 Cal.2d 756, 759): Claim IX (to the extent it is based on conferences or sidebars not identified on appeal), Claim XI (to the extent petitioner

contends that the trial court should have excluded Dr. Zigelbaum's testimony), and Claim XV (to the extent petitioner contends that juror Manuel P. was biased because of the nature of his job).

Brown, J., would deny the petition solely on the merits.

**S121451**

F037426 Fifth Appellate District

PEOPLE v. YANG (PAO)

Petitions for review denied

**S121503**

B171683 Second Appellate District,  
Division One

WILLARD (EDWARD J.) ON H.C.

Petition for review denied

Brown, J., was recused and did not participate.

**S121551**

A102905 First Appellate District,  
Division Five

HENSEL (CLARENCE N.) ON H.C.

Petition for review denied

**S121599**

B165648 Second Appellate District,  
Division Five

HOOL v. VILLAGE ROADSHOW PICTURES

Petition for review denied

Petitioner's request for judicial notice granted.

Kennard, J., is of the opinion the petition should be granted.

**S121609**

E034822 Fourth Appellate District,  
Division Two

SUMMERS (GEORGE) ON H.C.

Petition for review denied

Brown, J., was recused and did not participate.

**S121653**

D041020 Fourth Appellate District,  
Division One

PEOPLE v. WHITLOCK

Petition for review denied

**S121673**

A100928 First Appellate District,  
Division Three

PEOPLE v. HUDSON

Petition for review denied

**S121713**  
C040553 Third Appellate District

PATERNO v. STATE OF CALIFORNIA  
Petition for review denied

**S121726**  
B162012 Second Appellate District,  
Division Four

PEOPLE v. GREENLEE  
Petition for review denied

**S121771**  
B157656 Second Appellate District,  
Division Two

PEOPLE v. WARING  
Petition for review denied

**S121778**  
E031923 Fourth Appellate District,  
Division Two

PEOPLE v. SULLIVAN  
Petition for review denied

**S121787**  
H025218 Sixth Appellate District

PANTOJA (DANIEL DAGIO) ON H.C.  
Petition for review denied

**S121800**  
A099265 First Appellate District,  
Division Three

PEOPLE v. TELLE  
Petition for review denied

**S121822**  
C041522 Third Appellate District

PEOPLE v. SUTHERLAND  
Petition for review denied

**S121840**  
A102208 First Appellate District,  
Division Three

PEOPLE v. WILSON  
Petition for review & depublication request denied

**S121866**  
E034922 Fourth Appellate District,  
Division Two

MAUZEY (RONALD KEITH) ON H.C.  
Petition for review denied

Brown, J., was recused and did not participate.

**S121872**

C043583 Third Appellate District

NATIONAL TAX-LIMITATION COMMITTEE v.  
ARNOLD SCHWARZENEGGER, AS GOVERNOR  
Petition for review denied; CA opinion decertified

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed December 4, 2003, which appears at 113 Cal.App.4th 1266. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

**S121913**A099383 First Appellate District,  
Division Two

PEOPLE v. KRAH  
Petition for review denied

**S121924**B172123 Second Appellate District,  
Division Five

COLLINS (MITCHELL) ON H.C.  
Petition for review denied

**S121937**B164797 Second Appellate District,  
Division Six

SERVICE EMPLOYEES INTL. UNION LOCAL 998  
v.  
SUPERIOR COURT OF VENTURA COUNTY  
Petition for review & publication request denied

**S121951**G028757 Fourth Appellate District,  
Division Three

PEOPLE v. TREJO  
Petitions for review denied

**S121956**B166767 Second Appellate District,  
Division Three

T. (JARVIS), IN RE  
Petition for review denied

**S121957**E032534 Fourth Appellate District,  
Division Two

PEOPLE v. WILSON  
Petition for review denied

**S121966**B172221 Second Appellate District,  
Division One

CULBERTSON (RED) ON H.C.  
Petition for review denied

**S121982**HUNT ON REINSTATEMENT  
Petition for writ of review denied**S121995**A104321 First Appellate District,  
Division TwoSANCHEZ v. S.C. (PEOPLE)  
Petition for review denied**S122000**A104679 First Appellate District,  
Division ThreeBOWOTO v. S.C. (CHEVRONTEXACO)  
Petition for review denied

Kennard, J., was recused and did not participate.

**S122003**

C045531 Third Appellate District

RODRIGUEZ (STEVEN) ON H.C.  
Petition for review denied**S122005**

C044376 Third Appellate District

B. (S)., IN RE  
Petition for review denied**S122016**A105055 First Appellate District,  
Division FourSASSER v. S.C. (WEST COAST BEAUTY SUPPLY)  
Petition for review denied**S122020**E033305 Fourth Appellate District,  
Division TwoINDIO CHARTER SCHOOL v. EASTIN  
Petition for review denied**S122034**A098689 First Appellate District,  
Division OneSANTILLAN v. BT OFFICE PRODUCTS  
Petition for review denied**S122041**

C045704 Third Appellate District

REDDY v. S.C. (MEDICAL BOARD)  
Petition for review denied**S122046**H025436 Sixth Appellate District  
H026030PEOPLE v. DIAZ  
Petition for review denied

**S122053**

H025036 Sixth Appellate District

PEOPLE v. SWANSON-BIRABENT

Petition for review denied

**S122054**D041023 Fourth Appellate District,  
Division One

PEOPLE v. JOHNSON

Petition for review denied

**S122066**A099104 First Appellate District,  
Division Two

PEOPLE v. SUNDQUIST

Petition for review denied

**S122084**

C042576 Third Appellate District

PEOPLE v. SILVA

Petition for review denied

**S122085**B162585 Second Appellate District,  
Division One

PEOPLE v. STEWART

Petition for review denied

**S122090**B165674 Second Appellate District,  
Division Five

PEOPLE v. AYALA

Petitions for review denied

**S122092**E032178 Fourth Appellate District,  
Division Two

PEOPLE v. ACOSTA

Petition for review denied

**S122100**B162132 Second Appellate District,  
Division Five

PEOPLE v. HAYES

Petition for review denied

**S122106**B160299 Second Appellate District,  
Division Seven

CALIFORNIA FAIR PLAN v. BOKTOR

Petition for review denied

**S122108**E031409 Fourth Appellate District,  
Division Two

PEOPLE v. LOPEZ

Petition for review denied

**S122111**

B160526 Second Appellate District,  
Division One

## PEOPLE v. PACHECO

Petition for review denied

**S122113**

G033317 Fourth Appellate District,  
Division Three

## SMILOWITZ v. S.C. (CARL)

Petition for review denied

**S122127**

B164966 Second Appellate District,  
Division Eight

## PEOPLE v. JAMISON

Petition for review denied

**S122128**

C042315 Third Appellate District  
C042758

## WESTLY v. US BANCORP

Petitions for review denied

Chin, J., was recused and did not participate.

**S122147**

B164496 Second Appellate District,  
Division Two

## PEOPLE v. MASSEY

Petition for review denied

**S122150**

B151024 Second Appellate District,  
Division Four

## PEOPLE v. DAVIS

Petition for review denied

**S122157**

H025035 Sixth Appellate District

## PEOPLE v. GONZALES

Petition for review denied

**S122159**

A099476 First Appellate District,  
Division Five

## PEOPLE v. ANDERSON

Petition for review denied

**S122161**

A104295 First Appellate District,  
Division Five

## WANG v. KAISER PERMANENTE

Petition for review denied

Werdegarr, J., was recused and did not participate.



**S122170**  
B163051 Second Appellate District,  
Division One

BONIME v. DIRECTV, INC.  
Petition for review denied

**S122171**  
B166607 Second Appellate District,  
Division Two

PEOPLE v. SUH  
Petition for review denied

**S122172**  
A104923 First Appellate District,  
Division Three

HOLLEY v. S.C. (PEOPLE)  
Petition for review denied

**S122173**  
H024693 Sixth Appellate District

PEOPLE v. HASSINGER  
Petition for review denied

**S122178**  
B172082 Second Appellate District,  
Division One

SOTO (FRANCISCO) ON H.C.  
Petition for review denied

**S122185**  
C040219 Third Appellate District

PEOPLE v. BARMETTLER  
Petition for review denied

Kennard, J., and Brown, J., are of the opinion  
the petition should be granted.

**S122188**  
C045462 Third Appellate District

BRAKENSIEK v. W.C.A.B. (LODI SCHOOL  
DISTRICT)  
Petition for review denied

Kennard, J., Werdegar, J., and Brown, J., are of  
the opinion the petition should be granted.

**S122198**  
A102182 First Appellate District,  
Division Four

DURAN v. ST. LUKES HOSPITAL  
Petition for review denied

**S122202**  
H025493 Sixth Appellate District

THOMPSON v. CUTINI  
Petition for review denied

**S122205**

B170370 Second Appellate District,  
Division Two

EDISON MISSION ENERGY v. S.C. (IACO)  
Petition for review denied

**S122214**

B170160 Second Appellate District,  
Division Eight

LYNWOOD UNIFIED SCHOOL DISTRICT v. S.C.  
(ALEXANDER M.)  
Petition for review denied

**S122215**

C045532 Third Appellate District

RODRIGUEZ v. S.C. (PEOPLE)  
Petition for review denied

**S122216**

FIGUEROA v. CALIFORNIA ENERGY (BLYTHE  
ENERGY LLC.)  
Petition for writ of review denied

**S122225**

C042148 Third Appellate District

PEOPLE v. AVARA  
Petition for review denied

**S122234**

D040831 Fourth Appellate District,  
Division One

PEOPLE v. LOPEZ  
Petition for review denied

**S122235**

C040291 Third Appellate District

MOHAMED v. ROGERS  
Petition for review denied

**S122259**

B163921 Second Appellate District,  
Division Eight

PEOPLE v. DAVIS  
Petition for review denied

**S122265**

B162289 Second Appellate District,  
Division Eight

RABINOWITZ, ESTATE OF  
Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S122267**

B162971 Second Appellate District,  
Division Seven

PEOPLE v. ARZATE  
Petition for review denied

**S122275**

B165440 Second Appellate District,  
Division One

## PEOPLE v. BARNES

Petition for review denied

**S122281**

A101206 First Appellate District,  
Division Five

## SCHMIER v. SUPREME COURT

Petition for review denied

**S122283**

C042122 Third Appellate District

## PEOPLE v. GARCIA

Petition for review denied

**S122286**

B159267 Second Appellate District,  
Division One

## EVEREST INVESTORS 8 v. MCNEIL PARTNERS

Petition for review denied

George, C.J., and Brown, J., were recused and  
did not participate.

**S122315**

D039721 Fourth Appellate District,  
Division One

## PEOPLE v. HOOPER

Petition for review denied

**S122326**

C042109 Third Appellate District

## PEOPLE v. WILLIAMS

Petition for review denied

**S122333**

H024869 Sixth Appellate District

## PEOPLE v. SMALL

Petition for review denied

**S122336**

B162620 Second Appellate District,  
Division Four

## PEOPLE v. WRIGHT

Petition for review denied

**S122337**

B164217 Second Appellate District,  
Division Six

## PEOPLE v. BALTIERRA

Petition for review denied

**S122339**

E034912 Fourth Appellate District,  
Division Two

## PEOPLE v. DIXIE

Petition for review denied

**S122346**

B172016 Second Appellate District,  
Division One

UNITED COMPUTERS SYSTEMS v. VICKERY  
Petition for review denied

**S122347**

B160534 Second Appellate District,  
B165104 Division Seven

PEOPLE v. RIVAS  
Petition for review denied

**S122350**

G031561 Fourth Appellate District,  
Division Three

PEOPLE v. RAMIREZ  
Petition for review denied

**S122354**

A105236 First Appellate District,  
Division Four

GARDNER-DENVER MINING v. S.C. (PIERCE)  
Petition for review denied

**S122355**

F042776 Fifth Appellate District

H. (WALTER), IN RE  
Petition for review denied

**S122359**

C041720 Third Appellate District

PEOPLE v. BROWN  
Petition for review denied

**S122362**

B171947 Second Appellate District,  
Division Three

UNION AUTO BODY v. W.C.A.B. (CHAVIRA)  
Petition for review denied

**S122364**

B171555 Second Appellate District,  
Division Four

UNUMPROVIDENT CORPORATION v. S.C.  
(TURNER)  
Petition for review denied

**S122367**

G033312 Fourth Appellate District,  
Division Three

MADIGAN v. S.C. (SOUTH COAST MEDICAL)  
Petition for review denied

**S122382**

C045896 Third Appellate District

CLARK v. S.C. (PEOPLE)  
Petition for review denied

**S122386**

B171678 Second Appellate District,  
Division One

LOS ANGELES, COUNTY OF v. W.C.A.B. (BATT)  
Petition for review denied

**S122388**

A104695 First Appellate District,  
Division Three

ALBERTSONS v. WCAB (SCHAEFER)  
Petition for review denied

**S122401**

B171687 Second Appellate District,  
Division Six

CERVANTES v. S.C. (PEOPLE)  
Petition for review denied

**S122406**

B160408 Second Appellate District,  
Division Four

PEOPLE v. NEWMAN  
Petition for review denied

**S122413**

B162337 Second Appellate District,  
Division Eight

PEOPLE v. THORNTON  
Petition for review denied

**S122420**

E033045 Fourth Appellate District,  
Division Two

PEOPLE v. RAMIREZ  
Petition for review denied

**S122422**

A099160 First Appellate District,  
Division One

PEOPLE v. BECK  
Petition for review denied

**S122423**

B164280 Second Appellate District,  
Division Six

PEOPLE v. DENNING  
Petition for review denied

**S122424**

B162299 Second Appellate District,  
Division One

PEOPLE v. KELLY  
Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S122425**

A102677 First Appellate District,  
Division Four

H. (CIERRA), IN RE

Petition for review denied

**S122428**

H026661 Sixth Appellate District

GARRETT (WILLIAM ALLEN) ON H.C.

Petition for review denied

**S122429**

B161863 Second Appellate District,  
Division Eight

LEE v. ROJAS

Petition for review denied

**S122430**

F041867 Fifth Appellate District

PEOPLE v. OCHOA

Petition for review denied

**S122439**

B155003 Second Appellate District,  
Division Three

PIZANO v. ALL CARE MEDICAL GROUP

Petition for review denied

**S122443**

H024443 Sixth Appellate District

PEOPLE v. BIRD

Petition for review denied

**S122446**

C040352 Third Appellate District

PEOPLE v. TERCERO-ARANDA

Petition for review denied

**S122449**

B163770 Second Appellate District,  
Division Eight

PEOPLE v. WILLIS

Petition for review denied

**S122481**

E034615 Fourth Appellate District,  
Division Two

CODUTO v. S.C. (CODUTO)

Petition for review denied

**S122487**

H025639 Sixth Appellate District

PEOPLE v. DHANOTA

Petition for review denied

**S122495**

E032958 Fourth Appellate District,  
Division Two

PEOPLE v. HARRIS

Petition for review denied

**S122504**

A102332 First Appellate District,  
Division Four

PEOPLE v. WILLEY

Petition for review denied

**S122508**

C045826 Third Appellate District

BESS v. S.C. (JEFFERS)

Petition for review and application for stay denied

**S122510**

B163931 Second Appellate District,  
Division Four

PEOPLE v. WATSON

Petition for review denied

**S122513**

A105062 First Appellate District,  
Division Five

CHANLER v. S.C. (AS YOU SOW)

Petition for review denied

**S122515**

F043838 Fifth Appellate District

E. & J. GALLO WINERY v. W.C.A.B. (SIZAR)

Petition for review denied

**S122518**

B171875 Second Appellate District,  
Division Three

BROWNLOW (GREGORY) ON H.C.

Petition for review denied

**S122519**

H024973 Sixth Appellate District

J. (DAVID), IN RE

Petition for review denied

**S122520**

A105281 First Appellate District,  
Division Four

FOSTER v. S.C. (PEOPLE)

Petition for review denied

**S122522**

F040824 Fifth Appellate District

PEOPLE v. PARKHURST

Petition for review denied

**S122523**

B163955 Second Appellate District,  
Division One

PEOPLE v. LOPEZ

Petition for review denied

**S122527**

A099287 First Appellate District,  
Division Three

PEOPLE v. MACCHIA

Petition for review denied

**S122531**  
C043200 Third Appellate District

PEOPLE v. GARCIA  
Petition for review denied

**S122534**  
B168181 Second Appellate District,  
Division Four

CHEROKEE, INC. v. MOSSIMO, INC.  
Petition for review denied

**S122535**  
H025521 Sixth Appellate District

PEOPLE v. DALEY  
Petition for review denied

**S122537**  
E033050 Fourth Appellate District,  
Division Two

PEOPLE v. QUINTANILLA  
Petition for review denied

**S122539**  
B165971 Second Appellate District,  
Division Three

PEOPLE v. O'BRIEN  
Petition for review denied

**S122543**  
B165437 Second Appellate District,  
Division Five

PEOPLE v. ZIMMONS  
Petition for review denied

**S122549**  
B167751 Second Appellate District,  
Division Five

PEOPLE v. NORRIS  
Petition for review denied

**S122552**  
F040169 Fifth Appellate District

PEOPLE v. GONZALES  
Petition for review denied

Baxter, J., was recused and did not participate.

**S122553**  
B164278 Second Appellate District,  
Division Five

PEOPLE v. CARTER  
Petition for review denied

**S122561**  
F041049 Fifth Appellate District

PEOPLE v. TERRAZAS  
Petition for review denied



**S122562**

B162125 Second Appellate District,  
Division Eight

## PEOPLE v. BLAZER

Petition for review denied

**S122563**

B162432 Second Appellate District,  
Division Four

## PEOPLE v. KNAPP

Petition for review denied

**S122565**

C042983 Third Appellate District

## BASILIO v. S.C. (CAMRAY DEVELOPMENT)

Petition for review denied

**S122568**

B172515 Second Appellate District,  
Division Eight

## WILSON v. S.C. (WASHINGTON)

Petition for review denied

**S122574**

H024634 Sixth Appellate District

## PEOPLE v. MEDINA

Petition for review denied

**S122576**

H024464 Sixth Appellate District

## SAN JOSE, CITY OF v. MOVASSATE

Petition for review denied

Kennard, J., and Brown, J., are of the opinion  
the petition should be granted.

**S122589**

B161363 Second Appellate District,  
Division One

## SINGER v. MINGLEWOOD DATA SYSTEMS

Petition for review denied

**S122591**

H024112 Sixth Appellate District

## PEOPLE v. OROZCO

Petition for review denied

**S122594**

B162482 Second Appellate District,  
Division One

## WISHUM v. LONG BEACH MEMORIAL HOSPITAL

Petition for review denied

**S122595**

B172537 Second Appellate District,  
Division Eight

## LEE v. S.C. (ROJAS)

Petition for review denied

<b>S122602</b> F040758 Fifth Appellate District	PEOPLE v. CARABAY Petition for review denied
<b>S122607</b> D043429 Fourth Appellate District, Division One	CARNOHAN, MARRAGE OF Petition for review denied
<b>S122609</b> B166624 Second Appellate District, Division Seven	H. (SOLOMON), IN RE Petition for review denied
<b>S122624</b> D041491 Fourth Appellate District, D042517Division One	PEOPLE v. WEATHERFORD Petition for review denied
<b>S122628</b> E032928 Fourth Appellate District, Division Two	PEOPLE v. ABURTO Petition for review denied
<b>S122631</b> B172068 Second Appellate District, Division Six	MARIAN v. S.C. (OXNARD) Petition for review denied
<b>S122634</b> B172609 Second Appellate District, Division Six	HUNTER (DAVID) ON H.C. Petition for review denied
<b>S122637</b> B162628 Second Appellate District, Division Two	PEOPLE v. OATIS Petition for review denied
<b>S122639</b> B163231 Second Appellate District, Division Two	PEOPLE v. PAIGE Petition for review denied
<b>S122646</b> A099851 First Appellate District, Division Four	PEOPLE v. POOLE Petition for review denied

**S122648**

C040661 Third Appellate District

PEOPLE v. STEPHENSON

Petition for review denied

**S122661**

F041728 Fifth Appellate District

PEOPLE v. BAXTER

Petition for review denied

**S122671**D040918 Fourth Appellate District,  
Division One

PEOPLE v. BECTON-MCGUIRE

Petition for review denied

**S122697**D041617 Fourth Appellate District,  
Division One

PEOPLE v. BATES

Petition for review denied

**S122942**A105010 First Appellate District,  
Division Five

TURNER v. CA 1/5 (PEOPLE)

Petition for writ of mandate/prohibition &amp; stay denied

**S122947**G033432 Fourth Appellate District,  
Division Three

ACCESSPOINT CORP v. S.C. (BENTLEY)

Petition for review and application for stay denied

**S122957**A105489 First Appellate District,  
Division Two

COURTROOM TELEVISION v. S.C. (PETERSON)

Petition for review denied

**S122991**D042465 Fourth Appellate District,  
Division One

MILLER v. S.C. (PEOPLE)

Petition for review and application for stay denied

Kennard, J., Werdegar, J., and Brown, J., are of  
the opinion the petition should be granted.

**S123032**B173213 Second Appellate District,  
Division SevenCATHOLIC HEALTHCARE WEST v. S.C.  
(POURZIA)

Petition for review and application for stay denied

**S123075**A105509 First Appellate District,  
Division Five

JIMENEZ v. S.C. (PEOPLE)

Petition for review and application for stay denied

**S123113**B172711 Second Appellate District,  
Division OneCITY OF LOS ANGELES v. S.C. (PEOPLE)  
Petition for review and application for stay denied**S123115**G033542 Fourth Appellate District,  
Division ThreeSONG, INC. v. DEPT. ALCOHOLIC BEV. CONTROL  
Petition for review and application for stay denied**S112195**WILLIAMS (AMBER LEE) ON H.C.  
Petition for writ of habeas corpus denied**S114046**LUCERO (MICHAEL A.) ON H.C.  
Petition for writ of habeas corpus denied**S114751**RAYFORD (JONATHAN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S115423**BRAMBLES (MICHAEL D.) ON H.C.  
Petition for writ of habeas corpus denied**S116306**VICKROY (JOSEPH A.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756)

**S116316**CARDENAS (ARMANDO) ON H.C.  
Petition for writ of habeas corpus denied**S116323**REYES (RUBEN) ON H.C.  
Petition for writ of habeas corpus denied**S116324**JOHNSON (JOSEPH J.) ON H.C.  
Petition for writ of habeas corpus denied**S116325**DAVIS (CHARLES T.) ON H.C.  
Petition for writ of habeas corpus denied

**S116508**

FEDERICO (DEWAYNE) ON H.C.  
Petition for writ of habeas corpus denied

**S116540**

HENDRICKS (FRANK) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Swain* (1949) 34 Cal.2d 300, 304.)

**S116566**

BURBIE (DERRIC) ON H.C.  
Petition for writ of habeas corpus denied

**S116590**

RAMIREZ (CUZTODIO) ON H.C.  
Petition for writ of habeas corpus denied

for lack of diligence (see *In re Robbins* (1998)  
18 Cal.4th 770, 780; *In re Clark* (1993) 5  
Cal.4th 750) and on the merits.

**S116660**

LOPEZ (MICHAEL A.) ON H.C.  
Petition for writ of habeas corpus denied

**S116758**

STRAUSBAUGH (MILO W.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

Brown, J., was recused and did not participate.

**S116760**

WASHINGTON (JESSE) ON H.C.  
Petition for writ of habeas corpus denied

**S116788**

OYENIRAN (DANIEL S.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Miller* (1941) 17 Cal.2d 734; *In re Dixon* (1953) 41 Cal.2d 756.)

**S116837**STEPHENS (LADELL) ON H.C.  
Petition for writ of habeas corpus denied**S116861**TARAZON (ISMAEL) ON H.C.  
Petition for writ of habeas corpus denied(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S116875**MORRIS, JOSEPH) (aka JOHN MARKS) ON H.C.  
Petition for writ of habeas corpus denied(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)**S116877**BRACY (TRISTAN L.) ON H.C.  
Petition for writ of habeas corpus denied(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S116895**BARRERO (RICHARD) ON H.C.  
Petition for writ of habeas corpus denied(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S116899**ROBINSON (BENJAMIN D.) ON H.C.  
Petition for writ of habeas corpus denied**S116910**MARTINEZ (LOUIS M.) ON H.C.  
Petition for writ of habeas corpus denied(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)**S116951**VILLACRES (CHARLES D.) ON H.C.  
Petition for writ of habeas corpus denied(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

**S116982**EARLS (STEVEN T.) ON H.C.  
Petition for writ of habeas corpus denied**S116987**GALLEGOS (GERARDO R.) ON H.C.  
Petition for writ of habeas corpus denied**S117004**PARRISH (ROBERT) ON H.C.  
Petition for writ of habeas corpus denied(See *In re Swain* (1949) 34 Cal.2d 300, 304.)**S117005**ALVE (ALEJANDRO) ON H.C.  
Petition for writ of habeas corpus denied**S117008**SCROFANI (JOHN J.) ON H.C.  
Petition for writ of habeas corpus denied(See *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304.)**S117074**FLORES (JAMES J.) ON H.C.  
Petition for writ of habeas corpus denied**S117080**CLARK (DAMILLE) ON H.C.  
Petition for writ of habeas corpus denied**S117090**PEREIDA (ERIC P.) ON H.C.  
Petition for writ of habeas corpus denied**S117091**HOUSTON (DONALD RAY) ON H.C.  
Petition for writ of habeas corpus denied(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)**S117093**ANDERSON (JOHNNY) ON H.C.  
Petition for writ of habeas corpus denied

**S117106**

MUNRO (JAMES) ON H.C.  
Petition for writ of habeas corpus denied

**S117124**

CLARK (ANTHONY L.) ON H.C.  
Petition for writ of habeas corpus denied

**S117133**

MOORE (RICHARD N.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S117135**

CHIPMAN (MICHAEL L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S117136**

TAYLOR (D. L.) ON H.C.  
Petition for writ of habeas corpus denied

**S117139**

KEY (WILLIE JAMES) ON H.C.  
Petition for writ of habeas corpus denied

**S117141**

MORENO (JOSE S.) ON H.C.  
Petition for writ of habeas corpus denied

**S117143**

LASOYA (JESSE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S117161**

FOUNTAIN (CARL) ON H.C.  
Petition for writ of habeas corpus denied



**S117164**

PACHEO (RICHARD) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Lindley* (1947) 29 Cal.2d 709; *In re Waltreus* (1965) 62 Cal.2d 218.)

**S117166**

TAYLOR (CARL A.) ON H.C.  
Petition for writ of habeas corpus denied

**S117168**

TREADWELL (HAROLD J.) ON H.C.  
Petition for writ of habeas corpus denied

**S117169**

HAWKINS (MELVIN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S117171**

BURNS (ALTON S.) ON H.C.  
Petition for writ of habeas corpus denied

**S117174**

GUTIERREZ (ISMAEL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *People v. Valencia* (2000) 82 Cal.App.4th 139.; *In re Dixon* (1953) 41 Cal.2d 756.)

**S117176**

WILLIAMS (BRIAN L.) ON H.C.  
Petition for writ of habeas corpus denied

**S117187**

SMITH (KARL) ON H.C.  
Petition for writ of habeas corpus denied

**S117214**

FONVILLE (BILLY CHARLES) ON H.C.  
Petition for writ of habeas corpus denied

**S117215**

KEMP (ROY A.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734; *In re Dixon* (1953) 41 Cal.2d 756.)

**S117218**

THOMAS (CLAYVAND D.) ON H.C.  
Petition for writ of habeas corpus denied

**S117221**

BROWN (DAVID) (aka MICHAEL WILLIAMS) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S117233**

BROTHER (HENRI) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S117258**

FEISE (RONALD L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218.)

**S117269**

GILMORE (ELIJAH E.) ON H.C.  
Petition for writ of habeas corpus denied

**S117273**

HARVEY (DERRICK) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756; *People v. Pompa-Ortiz* (1980) 27 Cal.3d 519.)

**S117276**

CONTRERAS (LEOPOLDO V.) ON H.C.  
Petition for writ of habeas corpus denied

**S117289**

HEARTSILL (MICHAEL S.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

**S117301**

MARTIN (ERIC) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

**S117308**

CHATMAN (WALDEN R.) ON H.C.  
Petition for writ of habeas corpus denied

for lack of diligence (see *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750) and on the merits.

**S117341**

COILTON (MELVIN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

**S117342**

NGUYEN (PHONG Q.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

**S117343**

DENTON (RAYMOND H.) ON H.C.  
Petition for writ of habeas corpus denied

as successive (see *In re Clark* (1993) 5 Cal.4th 750), and on the merits.

**S117344**

BURROUGHS (MICHAEL L.) ON H.C.  
Petition for writ of habeas corpus denied

**S117346**

EPPS (JOHN) ON H.C.  
Petition for writ of habeas corpus denied

**S117351**

GUZMAN (MICHAEL R.) ON H.C.  
Petition for writ of habeas corpus denied

**S117359**

GAXIOLA (HERMAN A.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S117365**

DUNN (DYLAN LEE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

**S117372**

SINGH (HARMEET) ON H.C.  
Petition for writ of habeas corpus denied

**S117374**

DANIELS (ZECHARIAH) ON H.C.  
Petition for writ of habeas corpus denied

**S117375**

MENDOZA (CARLOS) ON H.C.  
Petition for writ of habeas corpus denied

**S117382**

BELTRAN (MANUEL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Alvernaz* (1992) 2 Cal.4th 924, 945.)

**S117383**

WHITE (EDDIE P.) ON H.C.  
Petition for writ of habeas corpus denied

**S117387**

OLVERA (PETER) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus*  
(1965) 62 Cal.2d 218.)

**S117396**

WASHINGTON (JAMES RAY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750; *In re Lindley*  
(1947) 29 Cal.2d 709; *In re Dixon* (1953) 41  
Cal.2d 756.)

**S117397**

PAREDES (MAURICIO A.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

**S117405**

BENITEZ (ROBERTO) ON H.C.  
Petition for writ of habeas corpus denied

**S117406**

LIU (RAE-YUEN) ON H.C.  
Petition for writ of habeas corpus denied

**S117407**

MYERS (MENDEZ V.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

**S117410**

BATTLE (JIMMIE) ON H.C.  
Petition for writ of habeas corpus denied

**S117412**

LANNING (MICHAEL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756.)

**S117416**

SANDERS (DANNY R.) ON H.C.  
Petition for writ of habeas corpus denied

**S117417**

JOHNSON (MARK A.) ON H.C.  
Petition for writ of habeas corpus denied

**S117425**

CLARK (RAYMOND) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750.)

**S117436**

LOWE (JOHN H.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S117443**

MEDRANO (SOLEDAD) ON H.C.  
Petition for writ of habeas corpus denied

**S117444**

GARCIA (JOSEPH M.) ON H.C.  
Petition for writ of habeas corpus

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750; *In re Miller*  
(1941) 17 Cal.2d 734.)

**S117446**

MORALES (OSCAR) ON H.C.  
Petition for writ of habeas corpus denied

on the merits and as late and successive. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S117449**

CORDOVA (DALE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

**S117458**

HERNANDEZ (RAUL A.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750.)

**S117464**

MILLIGAN (EMERY) ON H.C.  
Petition for writ of habeas corpus denied

**S117483**

MATHIS (CARDELL V.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S117502**

CONTRERAS (LEOPOLDO) ON H.C.  
Petition for writ of habeas corpus denied

**S117507**

SUDDUTH (CHRISTOPHER) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S117519**

CAMP (GARY C.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

**S117553**

VUE (MENG C.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S117556**

DEMORAIS (WEDSON) ON H.C.  
Petition for writ of habeas corpus denied

**S117740**

MOORE (RICHARD N.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S118137**

MOORE (RICHARD N.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S118218**

DAVIS (JIMMIE LEE) ON H.C.  
Petition for writ of habeas corpus denied

**S118427**

WILLIAMS (TEDDY S.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S118557**

MENDOZA (CARLOS) ON H.C.  
Petition for writ of habeas corpus denied

**S118971**

HARSTAD (JAMES) ON H.C.  
Petition for writ of habeas corpus denied

**S119116**

ROBERTS (RUBEN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S119400**

CONSIGLIO (SAM) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)



**S119512**

CONSIGLIO (SAM) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734.)

**S119688**

CONSIGLIO (SAM) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750.)

**S119815**

DUNN (DYLAN L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

**S120256**

MATA (PONCIANO) ON H.C.  
Petition for writ of habeas corpus denied

**S120386**

ALFORD (RICKEY LOUIS) ON H.C.  
Petition for writ of habeas corpus & stay denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S121807**

FITZHUGH (RICHARD) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921; *In re Clark* (1993) 5 Cal.4th 750.)

**S122037**

CLARK (CHARLES) ON H.C.  
Petition for writ of habeas corpus denied

**S122120**

ALVAREZ (FRANCISCO) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S122398**HASSINGER (CHARLES M.) ON H.C.  
Petition for writ of habeas corpus denied**S122526**WILSON (FRANKLIN J.) ON H.C.  
Petition for writ of habeas corpus denied**S122529**CONSIGLIO (SAM) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

**S122935**FITZHUGH (RICHARD) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921.)

**S123101**BARNES (DELANEY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S123370**KADDIS (WILLIAM N.) ON H.C.  
Petition for writ of habeas corpus & stay denied**S120114**B163040 Second Appellate District,  
Division FourHERNANDEZ v. S.C. (ACHESON INDUSTRIES)  
Depublication request denied (case closed)**S121181**E031591 Fourth Appellate District,  
Division TwoNESHAT v. COUNTY OF SAN BERNARDINO  
Publication request denied (case closed)**S121923**B160118 Second Appellate District,  
Division FourGOLDEN EAGLE INS. CO. v. CENTURY SURETY  
Publication request denied (case closed)

**S122116**

B162425 Second Appellate District,  
Division Seven

## DARVISH v. CITY OF INGLEWOOD

Publication request denied (case closed)

**S122210**

B169108 Second Appellate District,  
Division Seven

## GELSON'S v. W.C.A.B. (BAEZ)

Publication request denied (case closed)

**S122643**

D039603 Fourth Appellate District,  
Division One

## LAWRENCE v. MARIS

Publication request denied (case closed)

**S015384**

## PEOPLE v. LETNER &amp; TOBIN

Extension of time granted

to May 13, 2004 to file respondent's brief. After that date, only five further extensions totaling about 300 additional days are contemplated. Extension is granted based upon Deputy Attorney General Mark A. Johnson's representation that he anticipates filing that brief by 3/2005.

**S019697**

## PEOPLE v. WARD (CARMEN)

Extension of time granted

to May 14, 2004 to file appellant's reply brief. After that date, only one further extension totaling about 40 additional days will be granted. Extension is granted based upon counsel Robert Franklin Howell's representation that he anticipates filing that brief by 6/25/2004.

**S046816**

## PEOPLE v. THORNTON (MARK S.)

Extension of time granted

to May 18, 2004 to file respondent's brief.

**S047867**

PEOPLE v. VIRGIL (LESTER W.)

Extension of time granted

to May 11, 2004 to file appellant's opening brief. After that date, only one further extension totaling about 50 additional days will be granted. Extension is granted based upon counsel Manuel J. Baglanis's representation that he anticipates filing that brief by 7/2/2004.

**S054774**

PEOPLE v. TAYLOR (KEITH DESMOND)

Extension of time granted

to May 21, 2004 to file appellant's opening brief. After that date, only five further extensions totaling about 255 additional days will be granted. Extension is granted based upon Deputy State Public Defender Ellen J. Egger's representation that she anticipates filing that brief by 2/4/2005.

**S115998**

C037845 Third Appellate District

PEOPLE v. LANGSTON

Extension of time granted

to March 30, 2004 for appellant to file the response to the amicus curiae brief of the California District Attorneys' Association.

**S117235**

LEWIS (ROBERT) ON H.C.

Extension of time granted

to April 16, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel Robert M. Sanger's representation that he anticipates filing that document by 4/16/2004. After that date, no further extension will be granted.

**S120249**

SAMAYOA (RICHARD) ON H.C.

Extension of time granted

to March 29, 2004 to file the informal response to the petition for writ of habeas corpus.

Extension is granted based upon Deputy Attorney General John T. Swan's representation that he anticipates filing that document by 3/29/2004. After that date, no further extension will be granted.

**S121061**

WILSON (ROBERT P.) ON H.C.  
Extension of time granted

to April 12, 2004 to file the informal response to petition for writ of habeas corpus. Extension is granted based upon Deputy Attorney General Chung L. Mar's representation that he anticipates filing that document by 4/11/2004. After that date, no further extension will be granted.

**S059912**

PEOPLE v. MONTES (JOSEPH M.)  
Record augmentation granted in part/denied in part

Appellant's "Motion to Correct the Record, Augment the Record, Examine Sealed Transcripts and Settle the Record on Appeal," filed on February 9, 2004, is granted in part and denied in part.

The motion is granted to the following extent:

The Superior Court of Riverside County is directed to determine whether any document filed or lodged in Riverside County Superior Court Case No. CR-58553 (including but not limited to those identified on pages 7-11 of appellant's motion, if they exist) has not been included in the record on appeal, and if so to cause any such document to become part of an augmented clerk's transcript, all with preparation, certification, and transmission as specified in rules 35, 35.1, 35.2, and 35.3 of the California Rules of Court (insofar as they apply to this case), on or before April 19, 2004.

The Superior Court of Riverside County is further directed: (1) to determine (a) whether oral proceedings were conducted in Riverside County Superior Court Case No. CR-58553 that have not already been made part of the record

on appeal, and if so (b) whether any such proceedings were reported and transcribed; (2) to receive any transcript of any such proceeding that has been prepared and to cause to be prepared any transcript of any such proceeding that has not been prepared; and (3) to cause any such transcripts to become part of an augmented reporter's transcript, all with preparation, certification, and transmission as specified in rules 35, 35.1, 35.2, and 35.3 of the California Rules of Court (insofar as they apply to this case), on or before April 19, 2004.

In all other respects, the motion is denied.

**S099667**

A091884 First Appellate District,  
Division Five

AGUILAR v. LERNER

Order filed

After consideration of the returns to the order to show cause, the declarations and other written submissions by both attorneys and counsel, and the oral presentation before this court on March 9, 2004, the court declines to discharge the order to show cause re contempt, and will retain jurisdiction over the contempt matter for future action. In light of the direct conflict in the factual statements (under penalty of perjury and otherwise) made by the attorneys to this court, and in view of substantial questions that remain whether either or both attorneys violated their professional duties to their client and their obligations to this court with regard to the failure of counsel to appear for appellant at the oral argument before this court in the case of *Aguilar v. Lerner* (S099667) on February 10, 2004, the court refers this matter to the State Bar Court for further investigation, an evidentiary hearing or hearings, and a report to this court. The Clerk of the Court is directed to forward to the State Bar Court a copy of the returns and all letters and declarations submitted to this court regarding the failure of counsel to appear at oral argument, as well as a tape recording of the March 9, 2004 proceedings related to the order to show cause. In addition, as directed at the close of the oral presentation on March 9, both

attorneys are ordered to preserve all materials and documentation, in hard copy or in electronic format, relating to this matter.

The State Bar Court, in conjunction with the Office of Trial Counsel, is directed to conduct an investigation and hold such evidentiary hearings as appropriate in order to prepare a report to the court on the following questions:

(1) Did either Kent or Aguilar lie in any statement made to this court in writing or orally (under penalty of perjury or otherwise)?

(2) Would Kent have breached any professional or ethical obligation to his client (present or former) by notifying this court, prior to February 10, that he would not be appearing for appellant at the February 10 oral argument?

(3) Did Kent breach any professional or ethical obligation to this court by failing to notify the court that he would not be appearing at the February 10 oral argument?

(4) Did Aguilar know, prior to receiving a telephone call from the Clerk of the Supreme Court on February 10, 2004, that the case of *Aguilar v. Lerner* was scheduled to be argued before the California Supreme Court on February 10, 2004?

(5) Did Aguilar know, or should he have known, prior to February 10, 2004, that Kent would not be appearing for the appellant in *Aguilar v. Lerner* at the oral argument before the Supreme Court scheduled for February 10, 2004? If so, did Aguilar breach any professional or ethical obligation to this court by failing to appear or to assign another attorney to appear at oral argument?

The State Bar shall prepare and submit a report to the court on these questions on or before April 30, 2004.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

**S115009**

C041479 Third Appellate District

JENNINGS (MICHAEL LEE) ON H.C.  
Orders filed (2)

- (1) The parties are directed to file letter briefs addressing whether Business and Professions Code section 25658, subdivision (c) is limited to the “shoulder tapping” factual situation, or whether a social host who purchases alcoholic beverages later served to an underage guest can be characterized as having “purchas[ed]” alcoholic beverages “for” an underage guest within the meaning of that statute. Supplemental letter briefs must be filed on or before March 31, 2004. Reply briefs must be filed on or before April 7, 2004. (Cal. Rules of Court, rules 29(b)(2), 29.1(e).)
- (2) Respondent’s “Motion for Judicial Notice,” filed with this court on October 2, 2003, and amended on October 9, 2003, is denied. Petitioner’s “Motion to Strike Respondent’s Answer Brief on the Merits,” filed with this court on September 22, 2003, is also denied. (See Cal. Rules of Court, rule 14(e)(2)(C).)

**S117268**HOLLOWAY (DUANE) ON H.C.  
Order filed

Respondent’s request for judicial notice granted.  
Respondent’s motion to file document under seal denied

**S114879**AGUAYO, ACCUSATION OF  
Petition denied**S117647**CHIA, ACCUSATION OF  
Petition denied**S117671**BOLDEN, ACCUSATION OF  
Petition denied



<b>S117730</b>	TELEMAC CORPORATIONI, ACCUSATION OF Petition denied
<b>S117789</b>	BUCHANAN, ACCUSATION OF Petition denied
<b>S117904</b>	CHANG, ACCUSATION OF Petition denied
<b>S117973</b>	JOHN, ACCUSATION OF Petition denied
<b>S117997</b>	YOON, ACCUSATION OF Petition denied
<b>S118073</b>	WILSON, ACCUSATIOIN OF Petition denied
<b>S118105</b>	PALM, ACCUSATION OF Petition denied
<b>S118115</b>	FIELDS, ACCUSATION OF Petition denied
<b>S118117</b>	ZARGOZA, ACCUSATION OF Petition denied
<b>S118119</b>	JOHNSON, ACCUSATION OF Petition denied
<b>S118141</b>	MUSAEIAN, ACCUSATION OF Petition denied

